

1950

c 165 High Schools Act

Ontario

© Queen's Printer for Ontario, 1950

Follow this and additional works at: <http://digitalcommons.osgoode.yorku.ca/rso>

Bibliographic Citation

High Schools Act, RSO 1950, c 165

Repository Citation

Ontario (1950) "c 165 High Schools Act," *Ontario: Revised Statutes*: Vol. 1950: Iss. 2, Article 44.

Available at: <http://digitalcommons.osgoode.yorku.ca/rso/vol1950/iss2/44>

This Statutes is brought to you for free and open access by the Statutes at Osgoode Digital Commons. It has been accepted for inclusion in Ontario: Revised Statutes by an authorized administrator of Osgoode Digital Commons.

CHAPTER 165

The High Schools Act**1.—(1) In this Act,**Interpre-
tation.

- (a) "board" means board of high school trustees;
- (b) "county judge" and "judge" mean the senior judge of the county or district court of the county or district in which the high school is or is to be situate, or, if he is a member of the high school board or is unable to act or is disqualified, mean the junior judge of the county or district court, or if he is a member of the board or is unable to act or is disqualified, mean the judge of the county or district court of the adjoining county or district which has the largest population according to the last Dominion census; R.S.O. 1937, c. 360, s. 1 (1), cls. (a), (b).

- (c) "county pupils" means pupils,

(i) who reside with their parents or guardians, or

(ii) who or whose parents or guardians are assessed for an amount equal to the average assessment of the ratepayers,

in that part of a county which is not within a city or separated town or within a high school or grade A or grade B continuation school district, but does not include pupils residing with their parents or guardians on land which is exempt from taxation for school purposes, who and whose parents or guardians are not assessed for, and do not pay, taxes for school purposes in a municipality in the county; 1948, c. 37, s. 1 (1).

- (d) "Department" means Department of Education; R.S.O. 1937, c. 360, s. 1 (1), cl. (d).

- (e) "equalized assessment" has the same meaning as in *The Assessment Act*; 1947, c. 43, s. 1. Rev. Stat.,
c. 24.

- (f) "high school" includes a collegiate institute; R.S.O. 1937, c. 360, s. 1 (1), cl. (e).

- (g) "high school district" means the municipalities and parts of municipalities in which a board has jurisdic-

tion; R.S.O. 1937, c. 360, s. 1 (1), cl. (f); 1949, c. 38, s. 1 (1).

- (h) "maintenance" includes repairs to the teacher's residence, the school buildings, outhouses, gymnasium, fences and school furniture; altering the system of heating or ventilation; the erection of fences; the improvement of the school grounds and the grounds attached to the teacher's residence; insurance on the school property; salaries of the teachers, officers and other employees of the board; contributions to a superannuation or pension fund for the benefit of teachers, officers and other employees of the board; any sums spent for medical and dental inspection and dental treatment; fees payable in respect of resident pupils in attendance at high schools and continuation schools outside the high school district; the expense of conducting examinations; interest charges on temporary loans made for the purposes of the board and other expenses for ordinary school purposes, and for such annual additions to the library, apparatus and other appliances as may be required by the Minister or by the regulations; gratuities and retiring allowances granted to teachers, officers and other employees; the cost of providing transportation for pupils; R.S.O. 1937, c. 360, s. 1 (1), cl. (g); 1938, c. 35, s. 10 (2); 1944, c. 56, s. 3; 1950, c. 23, s. 1.
- (i) "Minister" means Minister of Education;
- (j) "municipality" includes a city, town, village or township but not a county;
- (k) "non-resident pupils" means pupils other than county pupils and resident pupils as defined herein; R.S.O. 1937, c. 360, s. 1 (1), cls. (h-j).
- (l) "perfect aggregate attendance" of pupils for a calendar year shall be calculated by multiplying the number representing the number of teaching days in the calendar year by the number representing the number of pupils registered at the school during such calendar year and deducting therefrom the number of pupil-days' non-attendance caused by,
- (i) quarantines,
 - (ii) observance of holy days,
 - (iii) deaths,

(iv) late registrations owing to transfer or age of pupils,

(v) termination of registrations owing to transfer or age of pupils,

(vi) expulsions, and

(vii) exclusions; 1945 (2nd Sess.), c. 8, s. 8.

(m) "permanent improvements" includes the purchase or rental of a residence for a teacher, or of a school site, the erection or rental of a schoolhouse, the enlargement of both or either of them, the erection of out-houses and gymnasium, and other buildings or fixtures to be used for the purpose of carrying on such school activities as are specified or permitted by the regulations, the purchase of school furniture, maps and apparatus, library, and all other appliances required by the regulations;

(n) "regulations" means regulations made by the Minister under *The Department of Education Act*; R.S.O. 1937, Rev. Stat., c. 94. c. 360, s. 1 (1), cls. (k, l).

(o) "resident pupils" means pupils,

(i) who reside with their parents or guardians, or

(ii) who or whose parents or guardians are assessed for an amount equal to the average assessment of the ratepayers,

within the limits of a high school district, but does not include pupils residing with their parents or guardians on land which is exempt from taxation for school purposes, who and whose parents or guardians are not assessed for, and do not pay, taxes for school purposes in a municipality within the district; 1948, c. 37, s. 1 (2).

(p) "separated town" means a town separated for municipal purposes from the county in which it is situate; 1949, c. 38, s. 1 (2).

(q) "urban municipality" means a city, town⁷ or⁸ village. R.S.O. 1937, c. 360, s. 1 (1), cl. (o).

(2) Where reference is made to the population of a municipality or other locality or to a number of inhabitants or ratepayers the same shall be determined by the last enumeration by the assessor. References to population.

Certificate
of clerk to
be final.

(3) The certificate of the clerk of the municipality with respect to such population or number shall be final and conclusive. R.S.O. 1937, c. 360, s. 1 (2, 3).

HIGH SCHOOL CORPORATIONS

Trustees to
be corpora-
tion.

2.—(1) Where a high school district comprises one municipality, the trustees shall be a corporation by the name of "The High School Board of the of", or "The Collegiate Institute Board of the of", inserting the classification and name of the municipality.

Idem.

(2) Where a high school district comprises more than one municipality, the trustees shall be a corporation by the name of "The District High School Board" or "The District Collegiate Institute Board", inserting a name selected by the board and approved by the Minister. 1948, c. 37, s. 2.

Term of
office.

(3) The trustees of every high school district shall hold office until their successors are appointed and the new board is organized. R.S.O. 1937, c. 360, s. 2 (2)

HIGH SCHOOL DISTRICTS

Existing
high school
districts
confirmed.

3. Whenever a high school district has existed in fact for three months and upwards, and whether it has been formed in accordance with the provisions of the law or not, it shall be deemed to have been legally formed and shall continue to exist, subject, however, to the provisions of this Act as far as applicable, as if the district had been formed thereunder, unless in the meantime proceedings have been taken calling in question the legal status of the district and notice thereof has been given to the persons who ought, according to the practice of the court in which the proceedings are taken, to be served with notice thereof, and such proceedings result in its being determined that the district has not been legally formed. R.S.O. 1937, c. 360, s. 3.

Interpre-
tation.

4. In sections 5 to 11 inclusive, "adjoining" means touching at any point, and where more than two counties or municipalities are concerned they shall be deemed to be adjoining if each of such counties or municipalities adjoins one or more of the other counties or municipalities. 1947, c. 42, s. 1, *part*.

Establish-
ment and
discontin-
uance of
high school
districts.

5.—(1) Subject to the approval of the Minister first being obtained, the council of a county or the councils of two or more adjoining counties, may by by-law establish the whole

or any part of a municipality or the whole or parts of two or more adjoining municipalities situated within the county or counties as a new high school district, and the council of a county or the councils of two or more adjoining counties may in like manner discontinue any high school district already established within the county or counties.

(2) Subject to the approval of the Minister first being obtained, the council of a municipality or the councils of two or more adjoining municipalities in a territorial district may pass by-laws establishing the whole or any part of the municipality or municipalities as a new high school district.

(3) A by-law passed under subsection 1 or 2 shall be passed on or before the 1st day of July in any year, and shall take effect on the 1st day of January next following the passing of the by-law unless otherwise provided therein.

(4) The clerk of the municipality shall call the first meeting of a newly organized high school board, but where the new high school district extends beyond one municipality the clerk of the municipality having the largest population within the district, according to the last revised assessment roll, shall call the first meeting. 1947, c. 42, s. 1, *part*.

(5) The Lieutenant-Governor in Council may establish the whole or any part of an unorganized township or a town and the whole or any part of an unorganized township as a high school district. 1947, c. 42, s. 1, *part*; 1949, c. 38, s. 2.

6.—(1) No high school district shall be established for an area in which the enrolment of pupils in the public and separate schools is less than six hundred, unless the area contains more than fifteen school sections or is situated on an island.

(2) During the month of December in each year, every county clerk shall prepare a map of the county showing the boundaries of each high school district within or partly within the county as they will exist on the 1st day of January of the following year.

(3) Where a new high school district is established in a county or the boundaries of an existing high school district in a county are altered, the county clerk shall forward a copy of the by-law establishing or altering the district, not later than the 1st day of January next following the passing of the by-law, to,

(a) the Minister;

(b) the secretary of the board of the new district or of the district of which the boundaries are altered; and

(c) the clerk of each municipality which or any part of which is situated within the new district or the district of which the boundaries are altered. 1950, c. 23, s. 3.

Enlargement
of districts.

7.—(1) Subject to the approval of the Minister, the council of a county or the councils of two or more adjoining counties, in one or more of which a high school district has been established, may by by-law provide that the whole or any part of any municipality or municipalities situate within the county or counties and adjoining the high school district shall be added to the high school district. 1950, c. 23, s. 4.

In territorial
districts.

(2) Subject to the approval of the Minister, the council of a municipality or the councils of two or more adjoining municipalities, in a territorial district, may pass by-laws providing that the whole or any part of such municipality or municipalities shall be added to a high school district which has been established in one or more of such municipalities.

Assets and
liabilities
of original
board.

(3) Where a high school district is enlarged under subsection 1 or 2, the assets of the board of the district shall forthwith be vested in and the liabilities thereof shall forthwith become the liabilities of the board of the enlarged high school district, unless otherwise provided by the by-law or by-laws.

Time of
passing and
effective
date of
by-law.

(4) A by-law passed under subsection 1 or 2 shall be passed on or before the 1st day of July in any year, and shall take effect on the 1st day of January next following the passing of the by-law unless otherwise provided therein. 1947, c. 42, s. 1, *part*.

Decreasing
area of
districts.

8.—(1) Subject to the approval of the Minister, the council of a county or the councils of two or more adjoining counties which has or have established a high school district may by by-law detach from the high school district the whole or any part of any municipality which forms part thereof and shall add the municipality or part to another district, and any such by-law shall be passed on or before the 1st day of July in any year and shall take effect on the 1st day of January next following the passing of the by-law, unless otherwise provided therein. 1950, c. 23, s. 5.

Payment
of rates.

(2) Where a municipality or part of a municipality is detached from a high school district under subsection 1, such municipality or part shall not be relieved from any rates imposed for the payment of debentures or other debts incurred

while forming part of the district unless otherwise provided in the by-law or by-laws. 1947, c. 42, s. 1, *part*.

9.—(1) Subject to subsection 2, every city and separated town is hereby established as a high school district. 1947, c. 42, s. 1, *part*; 1950, c. 23, s. 6 (1). City and separated town a high school district.

(2) Subject to the approval of the Minister, the council of a city or separated town in a county may by by-law discontinue its high school district, and Discontinuing district in city or separated town.

(a) provide for the inclusion of such city or separated town in a new high school district; or

(b) provide that such city or separated town be added to an existing high school district.

(3) Subject to the approval of the Minister, the council of a city or separated town in a county may by by-law provide that the whole or part of a municipality or municipalities adjoining the city or separated town be added to the high school district of the city or separated town. Increasing district of city or separated town.

(4) A by-law passed under subsection 2 or 3 shall be passed on or before the 1st day of July in any year, and shall take effect on the 1st day of January next following the passing of the by-law, unless otherwise provided therein. 1947, c. 42, s. 1, *part*. Time of passing and effective date of by-law.

10.—(1) No by-law, Conditions re by-laws.

(a) passed under subsection 1 of section 5 establishing a new high school district, by which a city or separated town is included in the high school district; or

(b) passed under subsection 1 of section 7 adding a city or separated town to an existing high school district,

shall be effectual unless and until the council of the city or separated town passes a by-law under subsection 2 of section 9.

(2) No by-law passed under subsection 3 of section 9 adding the whole or part of one or more municipalities adjoining a city or separated town to the high school district of the city or separated town shall be effectual unless and until the council of the county or the councils of the counties, in which the municipality or municipalities to be added are situated, pass a by-law or by-laws under subsection 1 of section 7 1947, c. 42, s. 1, *part*. Idem.

Assets and liabilities of discontinued boards.

11. Where a high school district is discontinued and the municipality or municipalities comprising the district form part of a new high school district, or are included in an enlarged high school district, the assets of the board of the discontinued district shall forthwith be vested in and the liabilities thereof shall forthwith become the liabilities of the board of the new or enlarged high school district, as the case may be, unless otherwise provided in the by-laws discontinuing the high school district. 1947, c. 42, s. 1, *part.*

Establishment and maintenance of schools.

12.—(1) Every board shall establish and maintain a high or vocational school in the high school district in which it has jurisdiction and may establish and maintain such additional schools as the board may deem necessary, and, subject to section 48, may provide for the location, erection, maintenance and management of the schools so established.

Exceptions.

(2) Notwithstanding subsection 1,

- (a) the board of a district adjoining a city or separated town may, in lieu of establishing and maintaining a school, arrange for the instruction of its pupils at a high or vocational school in the city or separated town and may enter into an agreement with the board of the city or separated town to pay for the cost of their education;
- (b) the board of a district in a territorial district may, in lieu of establishing and maintaining a school, arrange for the instruction of its pupils at the nearest high or vocational school, and may enter into an agreement with the board of such school to pay for the cost of their education.

Where no school maintained.

(3) Subject to clause *a* of subsection 2, in the event of the failure of the board of a district in a county to operate a school for any period of two years, the county council or councils by which the district was established shall by by-law discontinue the district and include it in one or more adjoining districts. 1950, c. 23, s. 7.

COURSES OF STUDY

Collegiate institutes.

13.—(1) Any high school which complies with the regulations with respect to collegiate institutes may be raised to the rank of a collegiate institute by the Minister.

Reducing collegiate institutes.

(2) The Lieutenant-Governor in Council may, upon the report of the Minister, reduce a collegiate institute to the rank of a high school. R.S.O. 1937, c. 360, s. 8 (2. 3).

14.—(1) A board may establish classes in military instruction, appoint a qualified drill instructor and provide uniforms for such classes. Military instruction.

(2) A board may annually vote for each high school within its jurisdiction a sum not exceeding \$150 in the case of a school having an enrolment of not more than six hundred pupils, and a sum equal to an amount not exceeding twenty-five cents per pupil in the case of a school having an enrolment of more than six hundred pupils, for the encouragement of athletics and to defray the expenses of school games. R.S.O. 1937, c. 360, s. 9. Grants for athletics.

15. A high school board, a public school board and a continuation school board, or any one or more of such boards, may engage the services of any person holding the degree of Bachelor of the Science of Agriculture or other certificate of qualification from the Ontario Agricultural College and approved by the Minister to give instruction in agriculture to the pupils of their respective schools, and the instructor shall perform such duties, and the funds set apart for instruction in agriculture shall be expended for such purposes as may be prescribed by the regulations. R.S.O. 1937, c. 360, s. 10. Instruction in agriculture.

TRUSTEES

16.—(1) Any ratepayer of a municipality which, or any part of which, is included in the high school district, who is a British subject, has attained the age of twenty-one years, resides in the high school district or within five miles of the boundaries thereof, and who is not a member or officer of a municipal council or otherwise disqualified, shall be qualified to be a high school trustee. R.S.O. 1937, c. 360, s. 11 (1); 1948, c. 37, s. 3; 1949, c. 38, s. 3 (1). Qualification of trustees.

(2) Notwithstanding subsection 1, in the case of an appointment by a county council, any ratepayer of a municipality in the county who resides in the county and is otherwise qualified under subsection 1 shall be qualified to be a high school trustee. 1949, c. 38, s. 3 (2). County appointees.

(3) A person shall not be eligible to be appointed as a trustee or to sit or vote as a member of the board if any portion of the taxes levied for school purposes for the preceding year or years on the property in respect of which such person qualifies, are overdue or unpaid at the time of the appointment; provided that the provisions of this clause shall not apply where such person is a tenant of such property and the taxes in respect thereof are, under the terms of the tenancy, payable by the owner of the property. R.S.O. 1937, c. 360, s. 11 (2), *amended*. Trustee, not eligible where taxes unpaid.

Number of
trustees.

17. Every high school board shall consist of at least three trustees. R.S.O. 1937, c. 360, s. 12; 1938, c. 35, s. 13.

Appoint-
ment of
trustees,

18.—(1) Where a high school district comprises one or more municipalities not separated from the county for municipal purposes, or one or more municipalities in a territorial district, trustees shall be appointed by the council or councils of the municipality or municipalities included in the district as follows:

where one
municipality;

(a) where the district comprises only one municipality, the council shall appoint three trustees, one of whom shall retire each year;

where two
municipalities;

(b) where the district comprises two municipalities,
 (i) the council of a municipality having a population within the district of 3,000 or more according to the last revised assessment roll shall appoint three trustees, and
 (ii) the council of a municipality having a population within the district of less than 3,000 according to the last revised assessment roll shall appoint two trustees,

one of whom in each case shall retire each year; and

where more
than two
municipalities.

(c) where the district comprises more than two municipalities,
 (i) the council of a municipality having a population within the district of 6,000 or more according to the last revised assessment roll shall appoint three trustees, one of whom shall retire each year,
 (ii) the council of a municipality having a population within the district of 3,000 but less than 6,000 according to the last revised assessment roll shall appoint two trustees, one of whom shall retire each year, and
 (iii) the council of a municipality having a population within the district of less than 3,000 according to the last revised assessment roll shall appoint one trustee who shall hold office for two years. 1947, c. 42, s. 2, *part*; 1949, c. 38, s. 4 (1).

Part of a
municipality
not deemed
a municip-
ality.

(2) A part of a municipality which is assessed for school purposes in the high school district for less than \$50,000 shall not be deemed a municipality for the purposes of this section. 1947, c. 42, s. 2, *part*.

(3) Where a high school district comprises a municipality or municipalities not separated from the county or counties for municipal purposes and a city or separated town, trustees shall be appointed by the council or councils of the municipality or municipalities not separated from the county or counties for municipal purposes as provided in subsection 1 and in addition the council of the city shall appoint six trustees, two of whom shall retire each year, or the council of the separated town shall appoint three trustees, one of whom shall retire each year, as the case may be. 1949, c. 38, s. 4 (2).

Where city or separated town included in district.

(4) Subject to section 19, in addition to the trustees appointed in accordance with subsections 1 and 3,

Appointment of additional trustees by county council.

(a) where the whole of the high school district is situated within one county, the council of the county may appoint one trustee who shall hold office for one year; or

(b) where the high school district comprises two or more counties or parts thereof, the council of the county having the largest population within the district according to the last revised assessment roll may appoint one trustee who shall hold office for one year.

(5) Where a high school district is enlarged or decreased, the trustees shall be appointed as if the enlarged or decreased district were a new district. 1947, c. 42, s. 2, *part*.

Trustees where district enlarged or decreased.

(6) Where a high school district is established under subsection 5 of section 5, the Lieutenant-Governor in Council may provide for the formation of a board, and the cost of operating the high school or high schools under the jurisdiction of the board shall be levied on all the property in the high school district rateable for school purposes, and the provisions of *The Public Schools Act* with respect to assessment and collection of rates for public school purposes in unorganized townships shall *mutatis mutandis* apply. 1948, c. 37, s. 4.

Formation of board and assessment in district in unorganized territory.

Rev. Stat., c. 316.

19.—(1) Where a majority of the members of a high school board or board of education favours the appointment of more than one trustee by a county council or councils, the board may,

Appointment of trustees by county council.

(a) where the whole of the high school district is situated within one county,

(i) request the council of the county to appoint three trustees instead of one, or

(ii) request the council or councils of not more than two adjoining counties each to appoint one trustee who shall hold office for one year; and

(b) where the high school district comprises two or more counties or parts thereof,

(i) request the council of the county having the largest population within the district according to the last revised assessment roll to appoint three trustees instead of one, or

(ii) request the council or councils of not more than two of the other counties within or partly within the district, each to appoint one trustee who shall hold office for one year. 1949, c. 38, s. 5.

Retirement.

(2) Where a county council appoints three trustees to a high school board or a board of education, one of such trustees shall retire each year.

Order of retirement.

(3) The county council shall, upon the appointment of three trustees to any high school board or board of education determine the order of their retirement.

Retirement upon repeal of request under subs. 1.

(4) Upon the repeal of any request made under subsection 1, the county council may determine the time at which each of the trustees appointed by it shall retire, provided that in such case no trustee shall hold office for a longer period than the term of his appointment. 1939, c. 44, s. 8 (2), *part*.

Trustees in cities and separated towns.

20.—(1) In a city and in a separated town the council shall appoint six trustees, and the trustees so appointed shall, with such additional trustees as are authorized by this Act, form the board.

Retirement by rotation.

(2) The council shall provide for the annual retirement of two of the trustees appointed by them so as to secure a complete rotation every three years. R.S.O. 1937, c. 360, s. 15.

Admission of county pupils to city or town school.

21. Where the board of a high school situate in a city or in a separated town notifies the county clerk that the high school is open to county pupils on the same terms as high schools in municipalities not separated from the county, the county council may, from time to time, appoint one additional trustee as provided by subsection 4 of section 18, for such high school so long as the school is open to county pupils on such terms, and such high school shall for all the purposes of this Act be considered a county high school. R.S.O. 1937, c. 360, s. 17 (1); 1938, c. 35, s. 15.

Order of retirement of trustees.

22. The council which has the power and duty of appointing high school trustees shall provide for the order of their retirement. R.S.O. 1937, c. 360, s. 18.

23.—(1) Where one separate school is maintained in a high school district, the board of separate school trustees may appoint to the board one trustee who shall not be a member of the separate school board and who shall hold office for one year. Representation of separate school boards.

(2) Where more than one separate school is maintained in a high school district, the board of trustees of the separate school or schools having the highest average attendance of pupils below grade IX for the preceding year, as certified by the separate school inspector, may appoint to the board one trustee who shall not be a member of the separate school board and who shall hold office for one year. 1947, c. 42, s. 3. Idem.

24.—(1) Where one public school is maintained in a high school district, the board of public school trustees may appoint to the board one trustee who shall not be a member of the public school board and who shall hold office for one year. Representation of public school boards.

(2) Where more than one public school is maintained in a high school district, the board of trustees of the public school or schools having the highest average attendance of pupils below grade IX for the preceding year, as certified by the public school inspector, may appoint to the board one trustee who shall not be a member of the public school board and who shall hold office for one year. Idem.

(3) In the case of the first board of a new high school district, in lieu of the appointment under subsection 2, where, Appointment to first board of new district.

(a) a board of education is being dissolved and the municipality or municipalities over which the board has jurisdiction are included in the new high school district; and

(b) the average attendance of pupils below grade IX for the preceding year in the school or schools under its jurisdiction, as certified by the public school inspector, exceeds the average attendance of such pupils in any public school section within the district,

the board of education may appoint to the board one trustee who shall not be a member of the board of education and who shall hold office for one year. 1947, c. 42, s. 4.

25.—(1) The first appointment of trustees of a new board shall be made, and vacancies arising from the annual retirement of trustees shall be filled, at the last regular meeting of the appointing body in the calendar year, and trustees shall take office on the 1st day of January in the following year. Time for appointment of trustees.

Idem.

(2) Where the appointing body fails to appoint a trustee or trustees under subsection 1, it shall make the appointment at its next regular meeting. 1949, c. 38, s. 7.

Vacancies
from other
causes.

(3) Vacancies arising from death, resignation, removal from the high school district or county or otherwise shall be filled forthwith by the appointing body, and the person appointed to fill the vacancy shall hold office for the unexpired term of the person whose place has become vacant. R.S.O. 1937, c. 360, s. 21 (2).

Where
separated
town is
reunited to
county.

(4) Where a separated town is reunited to the county one of the two trustees whose term of office shall first expire, to be selected by lot, shall retire as soon as the county council has appointed one trustee, and the remaining five trustees, together with the one trustee to be appointed by the county council, shall then constitute the board of the high school district. 1938, c. 35, s. 16.

MEETINGS OF BOARD

First meet-
ing of board.

26.—(1) Unless all the members of the new board have been appointed and a date for the first meeting has been decided upon by the old board, the first meeting of the board in each year shall be held at the hour of seven o'clock in the evening of the second Wednesday in January or at such other hour of the same day as may have been determined by resolution of the former board. R.S.O. 1937, c. 360, s. 22 (1); 1948, c. 37, s. 6.

Election of
chairman.

(2) At the first meeting in each year of every board, and whenever the office of chairman becomes vacant then at the first meeting of the board after the vacancy occurs, the members shall elect one of their number to be chairman.

Vice-
chairman.

(3) The members of the board may also elect one of their members to be vice-chairman, and he shall preside in the absence of the chairman.

Chairman
pro tem.

(4) If at any meeting there is no chairman or vice-chairman present the members present may elect a chairman for that meeting.

Secretary
and
treasurer.

(5) At the first meeting and as often as a vacancy occurs the board shall also elect a secretary and a treasurer or a secretary-treasurer who shall hold office during the pleasure of the board.

Secretary
pro tem.

(6) In the absence of the secretary from any meeting the chairman or other member presiding may appoint any member or person present to act as secretary for that meeting.

(7) The presence of a majority of all the members constituting the board shall be necessary to form a quorum.

(8) The secretary or secretary-treasurer shall preside at the first meeting until the chairman is elected, or if there is no secretary or secretary-treasurer then such member of the board shall preside as may be elected for that purpose.

(9) In case of an equality of votes at the election of chairman the trustee who is assessed for the largest sum on the last revised assessment roll shall have a second or casting vote.

Chairman at first meeting.
Equality of votes on the election of chairman.

(10) The presiding officer may vote with the other members of the board on all questions, and any question on which there is an equality of votes shall be deemed to have been negatived. R.S.O. 1937, c. 360, s. 22 (2-10).

In other cases.

SECURITY OF TREASURER AND SECRETARY-TREASURER

27.—(1) Every treasurer, secretary-treasurer and collector, and, if required by the board, every other officer of the board shall give security for the faithful performance of his duties.

Security by officers of board.

(2) The security to be given shall be by the bond, policy or guarantee contract of a guarantee company as defined in *The Guarantee Companies Securities Act*. 1950, c. 23, s. 8.

Form of security.
Rev. Stat., c. 162.

(3) Every treasurer and secretary-treasurer shall open an account in the name of the board in a chartered bank or in such other place of deposit as may be approved by the board, and shall deposit to the credit of such account all money received by him on account of the board. 1949, c. 38, s. 8 (2).

Bank account.

POWERS AND DUTIES OF BOARD

28. It shall be the duty of every board and it shall have power,

Duties of trustees,

(a) to fix the times and places for the meetings of the board and the mode of calling and conducting them, and to see that a full and correct account is kept of the proceedings thereat;

meetings of board;

(b) to see that the school is conducted according to this Act and the regulations;

conduct of school;

(c) to provide adequate accommodation according to the regulations for all pupils, and in its discretion to establish summer or vocational schools;

accommodation for pupils;

(d) if deemed expedient, to provide and maintain such equipment as may be deemed advisable and to operate the playground as a park or playground and rink

operation of play-grounds;

during the school term or in vacation or both, and to provide such supervision as the board may deem proper, provided the proper conduct of the school is not interfered with;

organiza-
tion and
operation of
gymnasium;

- (e) if deemed expedient, to organize and carry on gymnasium classes in the school building for pupils or others during the school term or in vacation or both, and to provide supervision and training for such classes, provided the proper conduct of the school is not interfered with;

charge of
high school;

- (f) to take charge of the school, to keep the school buildings and premises in proper repair, to provide suitable furniture and equipment and to protect the property of the board; R.S.O. 1937, c. 360, s. 24, cls. (a-f).

insurance;

- (g) to make provision for insuring adequately the school buildings and equipment; 1946, c. 37, s. 5 (1).

collection of
fees for
tuition;

- (h) subject to the provisions of this Act, to fix the amount to be paid by parents and guardians for each pupil attending the school, and the times of payment and, when necessary, to enforce payment thereof; R.S.O. 1937, c. 360, s. 24, cl. (g).

transporta-
tion of
pupils;

- (i) where the board deems it expedient, to provide and pay for the transportation of resident pupils to any high school or vocational school situated in the high school district or in another high school district or grade A or grade B continuation school district and, subject to the approval of the Minister, of county pupils who attend any high school or vocational school under the jurisdiction of the board, and for such purpose,
 - (i) to purchase out of current revenue or by the issue of municipal debentures, as authorized by this Act, a bus or buses or other vehicles, or
 - (ii) to enter into an agreement with any corporation, commission or person for the transportation of such pupils; 1948, c. 37, s. 7.

appoint-
ments;

- (j) to appoint a secretary and a treasurer or a secretary-treasurer and such committees, officers and other employees as may be deemed expedient;

security;

- (k) to take proper security from the treasurer or secretary-treasurer;

(l) to give the necessary orders upon the treasurer for the payment of gratuities or retiring allowances of teachers and the salaries of the teachers and other officers and servants of the board, and of such other expenses for promoting the interests of the school as may be authorized by the board; R.S.O. 1937, c. 360, s. 24, cls. (i-k). orders for salaries and expenses;

(m) to prepare and submit to the municipal council or councils liable under this Act on or before such times as the council may prescribe, estimates for the current year of all sums required to be provided by the council to meet expenditures for maintenance of the schools under the charge of the board during the current calendar year and for the payment of fees of resident pupils who may attend high schools or grade A or grade B continuation schools outside the high school district but which they may attend as resident pupils, and such estimates, estimates;

(i) shall show the amount of any surplus or deficit remaining at the end of the preceding year and the revenues estimated to be derived from legislative grants, any county or other municipality, fees and from all other sources, and

(ii) may include such additional sum as may be deemed expedient for permanent improvements to be made during the same period,

provided that the board of a high school district consisting of a municipality which has become subject to Part III of *The Department of Municipal Affairs Act* and which is unable to obtain the approval of the Ontario Municipal Board to the issuing of debentures for permanent improvements of a high school or high schools shall not include in its estimates any sum for permanent improvements without the approval of the municipal council concerned; 1946, c. 37, s. 5 (2). Rev. Stat., c. 96.

(n) to expel, on the report of the principal, any pupil whose conduct may be deemed injurious to the welfare of the school, and to exclude any pupil whose parents or guardians neglect or refuse to pay the fees of such pupil after reasonable notice; R.S.O. 1937, c. 360, s. 24, cl. (m). expulsion of pupils;

(o) subject to *The Teachers' Boards of Reference Act*, to appoint and remove such teachers, officers and servants as it may deem expedient, and to fix their salaries and prescribe their duties; 1949, c. 38, s. 9. appointment and removal of teachers, etc.; Rev. Stat., c. 383;

certify fees
received;

- (*p*) to certify to the treasurer of the county on or before the 1st day of August in each year the amount of fees collected from county pupils for the next preceding calendar year;

annual
report to
Minister;

- (*q*) to prepare and transmit on or before the 15th day of January in each year to the Minister the annual report in accordance with forms provided by the Department; R.S.O. 1937, c. 360, s. 24, cls. (*p-q*).

payment
of current
operating
costs and
borrowing
power.

- (*r*) to provide, in the case of a high school district which comprises two or more municipalities or parts thereof, for the payment of current operating costs, and if necessary to borrow on the promissory note of the board, under its corporate seal, at interest not exceeding eight per cent per annum, such moneys as may be required for that purpose until the current year's taxes and legislative grants have been received. 1947, c. 42, s. 5.

Powers
of trustees
re,
purchase of
books and
supplies;

29.—(1) The board may,

- (*a*) purchase for the use of any or all pupils text-books and other school supplies, and either furnish the same to them free of charge or collect for the use thereof from such pupils or their parents or guardians a sum not exceeding twenty-five cents per month for each pupil to defray the cost thereof;

penny
savings
bank;

- (*b*) provide books, stationery and other materials necessary in connection with the establishment and maintenance of a penny savings bank, or any system introduced for the encouragement of thrift and the habit of saving; R.S.O. 1937, c. 360, s. 25, cls. (*a, b*).

dental and
medical
inspection;

- (*c*) provide and pay for such medical and dental inspection of the pupils as the regulations may prescribe, or in the absence of regulations, as the board may deem proper, but only where provision for such medical and dental inspection was inaugurated by the board prior to the 31st day of December, 1941; R.S.O. 1937, c. 360, s. 25, cl. (*c*); 1942, c. 34, s. 16.

travelling
expenses
attending
educational
association;

- (*d*) pay the travelling expenses of any member of the board or of any teacher in the employment of the board incurred in attending meetings of the Ontario Educational Association or other like association of teachers or trustees in Ontario;

costs of
legal
proceedings;

- (*e*) if deemed expedient, pay the costs, or any part thereof, incurred by any member, teacher, officer or employee of the board in successfully defending any

legal proceedings brought against him for libel or slander in respect of any statements published at any meeting of the board or of any committee thereof, relating to the employment, suspension or dismissal by the board of any person; R.S.O. 1937, c. 360, s. 25, cls. (d, e).

- (f) invest any proceeds from an insurance claim or any moneys received for any special purposes through legacy, gift or otherwise, and for such purposes shall have and may exercise the powers conferred upon trustees by *The Trustee Act*; investment of funds; Rev. Stat., c. 400.

- (g) contribute, as deemed expedient, towards providing life insurance for employees of the board or any class thereof, and make provision for insuring the board against claims in respect of accidents incurred by pupils while under the jurisdiction or supervision of the board. 1950, c. 23, s. 10.

(2) The board of a high school district which comprises two or more municipalities or parts thereof may pay to each trustee a mileage allowance not exceeding seven cents for each mile necessarily travelled by him in going to the meetings of the board from his home and in returning to his home, and may pay to each trustee a sum not exceeding \$5 for each of not more than twelve meetings attended by such trustee in any one year. 1947, c. 42, s. 6; 1949, c. 38, s. 10. Mileage allowance and fee for meetings.

30.—(1) Subject to section 54, with the approval of the Minister, the board may arrange for the instruction at a high school, collegiate institute, continuation school or vocational school in any other high school district in Ontario, of pupils who desire to take high or vocational school courses which are not provided by the board, and who are the children of rate-payers in the high school district for which the board is appointed, and may pay the fees and transportation expenses of such pupils while attending such courses. R.S.O. 1937, c. 360, s. 26 (1); 1939, c. 44, s. 9; 1945 (2nd Sess.), c. 8, s. 10. Providing for scholars' attendance at other high schools.

(2) The provisions of subsection 1 shall apply in the case of a high school district for which no school has been established by the board. R.S.O. 1937, c. 360, s. 26 (2). Where no school established.

31. Where two or more high schools are under the control of a board, the board may appoint such supervising officials as it deems necessary and, subject to the regulations, shall have power to prescribe the duties of such officials. 1946, c. 37, s. 7. Supervising officials.

Information re
employment.

32.—(1) With the approval of the Minister, the board may appoint one or more officers qualified according to the regulations to collect and distribute information regarding available occupations and employments, and to offer such counsel to the pupils as will enable them to plan intelligently for their educational and vocational advancement.

Agreements
as to
appointment
of officers.

(2) With the approval of the Minister, the board may enter into an agreement with one or more other boards of high school trustees or boards of education for the appointment of one or more such officers, each of whom shall apportion his time in accordance with the terms of the agreement. 1944, c. 56, s. 5.

PROPERTY VESTED IN BOARDS

High school
property
vested in
trustees.

33.—(1) All property heretofore granted or devised to, acquired by or vested in any person or corporation for the high school purposes of any locality, or which may hereafter be so granted, devised, acquired or vested shall be vested in the board having jurisdiction in such locality.

Power to
sell or
convey, etc.

(2) The board shall have full power to sell, convey, transfer or lease such property, or any part thereof, upon the adoption of a resolution by the board that the property is no longer required for high school purposes, and the proceeds of such sale, transfer or lease shall be applied for high school purposes. R.S.O. 1937, c. 360, s. 28.

Power to
sell site.

34. A board, with the approval of the municipal council or of a majority of the municipal councils having jurisdiction within the high school district, and of the Minister, may sell and transfer any site or other property vested in the board, and after making provision for all debts and liabilities of the board may apply the residue of the proceeds to any purpose that may be approved by the Minister, and thereupon the Lieutenant-Governor in Council may by proclamation declare the corporation dissolved. R.S.O. 1937, c. 360, s. 29.

Discontin-
ing high
school.

35. The council of the county in the case of a county high school or the council of the city or town in the case of a high school in a city or separated town may, with the approval of the Minister, discontinue such high school, and the property of the school so discontinued may be disposed of as provided by section 34. R.S.O. 1937, c. 360, s. 30, *amended*.

SCHOLARSHIPS

Establish-
ment of
scholarship.

36. Any person may, with the approval of the board, found a scholarship or prize. R.S.O. 1937, c. 360, s. 31.

37.—(1) A board may annually award five scholarships to the pupils of the public or separate schools situate within the high school district. Scholarships for public and separate school pupils.

(2) The number of such scholarships shall be fixed by the high school board which may award the same by competitive examinations or otherwise and may prescribe the tenure of such scholarships and provide for the expenses of holding examinations therefor. Number and mode of awarding.

(3) A scholarship shall be awarded only to a pupil who is a ratepayer or the child of a ratepayer in the municipality contributing to the maintenance of the high school. Who may receive. R.S.O. 1937, c. 360, s. 32.

38.—(1) A board may annually award free scholarships to the pupils on the results of form or other examinations. Free scholarships.

(2) The board may make such rules and regulations regarding such scholarships as it may deem expedient. Rules. R.S.O. 1937, c. 360, s. 33.

PENSIONS AND SICK LEAVE CREDITS

39.—(1) The board, by resolution, may provide, by arrangement either with His Majesty pursuant to the *Goverment Annuities Act* (Canada) or with an insurer licensed under *The Insurance Act*, or with both His Majesty and an insurer as aforesaid, pensions for employees or any class thereof and their wives and children. Pensions. R.S.C. 1927, c. 7. Rev. Stat., c. 183.

(2) In this section, "employee" does not include a teacher or an inspector. Interpretation.

(3) No resolution passed under this section shall become operative until approved by the Minister, nor shall any such resolution so passed and approved be amended or repealed without the approval of the Minister. Approval of Minister.

(4) The board shall make such payments or contributions to the scheme as are provided for in the resolution. Contributions by board.

(5) The board shall deduct from the salary, wages or other remuneration of every employee to whom the scheme is applicable, the amount which the employee is required by the resolution to contribute. 1950, c. 23, s. 11 (1), *part*. Deduction of contributions.

40.—(1) The board, by resolution, may establish a system of sick leave credit gratuities and payments for the regular attendance of employees or any class thereof. Sick leave credits.

Approval of
Minister.

(2) No resolution passed under subsection 1 shall become operative until approved by the Minister, nor shall any resolution so passed and approved be amended or repealed without the approval of the Minister. 1950, c. 23, s. 11 (1), *part*.

COUNTY GRANTS, COUNTY PUPILS, ETC.

Cost of
education of
county
pupils.

41.—(1) The cost of education of county pupils attending a high school or a grade A or grade B continuation school shall be provided and paid by the council of the county to the extent, according to the basis, in the manner and at the times set forth in this section and in sections 42 and 43. R.S.O. 1937, c. 360, s. 35 (1).

Amount
payable
by county.

(2) The cost of education of county pupils to be paid by the council of the county may be determined either on the basis of the cost of the preceding calendar year or on the estimated cost for the current calendar year, and may be levied and paid in any year in respect of the cost of the current calendar year or the preceding calendar year. R.S.O. 1937, c. 360, s. 35 (2); 1939, c. 44, s. 11 (1).

When
payable.

(3) Where in any year the amount levied is for the cost for the preceding calendar year, the amounts payable by the council of the county shall become due and be paid not later than the 1st day of July of such year and shall be included in and levied and collected as part of the county rates for that year. R.S.O. 1937, c. 360, s. 35 (3); 1939, c. 44, s. 11 (2).

To be levied
and collected
as part of
county rate.

(4) Where the council of a county provides in its estimates for the cost of education of county pupils for the current calendar year, the amount thereof shall be included in and levied and collected as part of the county rates for that year, and the council of the county may from time to time pay on account of such estimates and shall pay the full amount of the cost for such year when it is finally ascertained as provided in this Act, but not later than the 1st day of July of the succeeding year. R.S.O. 1937, c. 360, s. 35 (4); 1939, c. 44, s. 11 (3).

Final
accounting
and adjust-
ment.

(5) In any case where the council of a county has made payments on account of the cost of education of county pupils according to its estimates or otherwise and it is finally ascertained that the cost is either less or more than the sums of such payments, a final accounting and adjustment of such cost shall be made and the amount of the underpayment, if any, shall forthwith be paid by the council of the county or the amount of the overpayment, if any, shall forthwith be repaid to the council of the county by the board to which such

overpayment was made or, at the option of the council of the county, may be deducted by it from any future payments due to such board in respect to the next succeeding year.

(6) Where the council of a county provides for the cost of education of county pupils according to subsection 4, the board of every high school attended by county pupils from such county shall on or before such day in every year as the council of the county may by by-law prescribe, and not later than the 1st day of March, submit to the council an estimate of the cost of education of such county pupils for the current calendar year in such form and with such detail as to all revenues, expenditures, surpluses and deficits of the board and as to estimated attendance of all pupils and proof of residence of county pupils as the council of the county may by by-law prescribe. R.S.O. 1937, c. 360, s. 35 (5, 6).

42.—(1) Where county pupils are attending a high school or a grade A or grade B continuation school, in a high school district or a continuation school district in which a grade A or a grade B continuation school is established and maintained for any municipality or municipalities or any portion thereof situate in and forming part of the county and not separated therefrom, the cost of education of such county pupils to be paid by the council of the county shall be calculated and ascertained in the following manner:

R.S.O. 1937, c. 360, s. 36 (1), *part*.

- (a) Firstly, the total gross current expenditures for the calendar year for maintenance of the school and for permanent improvements, and for meeting all payments falling due for such year for a sinking fund or principal and interest upon any debentures issued in respect to the school shall be ascertained. 1946, c. 37, s. 8.
- (b) Secondly, the total gross current revenues for the same calendar year from legislative grants, including grants for permanent improvements to vocational schools and vocational school departments, fees other than those raised by taxation, rents, donations other than for permanent improvements, and from all other sources except from taxation shall be ascertained. 1943, c. 26, s. 7 (1); 1947, c. 43, s. 2.
- (c) Thirdly, from the total gross expenditures ascertained as provided in clause *a* there shall be deducted the total gross revenues ascertained as provided in clause *b*, and the resultant amount ascertained after such deduction shall be the net sum upon which the

cost of education of such county pupils shall be based and calculated. 1950, c. 23, s. 12 (1).

- (d) Fourthly, the perfect aggregate attendance of all pupils at the school for the preceding calendar year shall be divided into the net sum ascertained as provided in clause *c* and the resultant amount shall be the net cost per pupil-day of all such pupils.
- (e) Fifthly, the perfect aggregate attendance of all county pupils from the county at the school during the same calendar year shall be multiplied by the amount of the net cost per pupil-day ascertained as provided in clause *d*, and the resultant sum shall be the amount of the net cost of education of such county pupils for which the council of the county shall be liable and pay as provided in section 41. 1945 (2nd Sess.), c. 8, s. 11.

County
pupils
attending
high school
in city or
town.
Rev. Stat.,
c. 66.

(2) Where county pupils and resident pupils as defined by this Act and resident pupils as defined by *The Continuation Schools Act* are attending a high school in a city or town situate in such county but separated therefrom for municipal purposes, or are attending a high school in a municipality in an adjacent county, whether separated therefrom or not, and notice has been given by the board of the high school that the high school is open to such county and resident pupils on the same terms as high schools in municipalities not separated from the county,

- (a) the cost of education to be paid by the council of the county of which they are county pupils shall be calculated in the manner provided in subsection 1 and the cost of education to be paid by the board of the high school district or continuation school district of which they are resident pupils shall be calculated in the manner provided in subsection 1 except that legislative grants shall not be deducted as provided in clause *c* thereof;
- (b) the board may, prior to the 30th day of June in any year, give notice in writing to the clerk of the county in which any county pupils reside and to the secretary of the high school board or continuation school board for the high school district or grade A or grade B continuation school district in which any resident pupils reside that the high school will no longer be open to such county and resident pupils, and upon the giving of such notice such county and resident pupils may continue to attend such high school only until the expiration of two school years

after the 30th day of June in such year. 1939, c. 44, s. 12 (2); 1950, c. 23, s. 12 (2, 3).

(3) Where the board of a high school district contiguous to a city or a separated town gives notice to the city clerk or the town clerk that the high school is open to city or town pupils on the same terms as it is open to resident pupils of the municipality in which the high school is situated, the cost of education to be paid by the council of the city or town shall be calculated and ascertained in the same manner as is provided in subsection 2.

Where high school of district open to pupils of contiguous city or town.

(4) Where the council of a county and the board of a high school attended by county pupils from such county are unable to agree upon the sum to be paid for the cost of education of such county pupils, the matter shall be referred to the judge of the county court for such county, who shall determine such sum.

Where council and board disagree upon cost of education.

(5) Either the council of the county or the board may refer the matter to the judge and he shall give such directions as to the conduct, proceedings and hearing of the reference as he may see fit, and for the purpose of such reference there shall be filed with the judge such financial statements and balance sheets of the affairs of the board and such copies, extracts or information taken from the school register as to enrolment and attendance of all pupils and of the county pupils and as to the names and addresses of such county pupils and of their parents or guardians and such other statements, accounts, records, books and documents as to the judge may appear to be requisite fully and finally to ascertain the revenues and expenditures of the board, the day's attendance of all pupils and county pupils, to calculate and determine the net cost of education of county pupils and to fix the sum to be paid in respect thereto by the council of the county.

Reference to judge.

(6) The costs of any such reference to the judge shall be in his discretion and the amount thereof shall be fixed by him and he may order to and by whom and in what manner the same shall be paid. R.S.O. 1937, c. 360, s. 36 (3-6).

Costs of reference.

43.—(1) The cost of education of county pupils to be paid by the council of a county shall be provided, borne, calculated, and as part of the county rates be levied in the following municipalities and in the following manner:

Cost of education of county pupils, how to be provided.

(a) Fifty per cent of the said cost by a levy upon and against the whole rateable property in the municipalities or portions of municipalities forming part of the county which are not included in any high school

district or continuation school district in which a grade A or a grade B continuation school is established and maintained, according to the last revised equalized assessment roll of such rateable properties.

- (b) The remaining fifty per cent thereof by a levy upon and against the whole rateable property in the municipalities or portions of municipalities forming part of the county and not included in any high school district or continuation school district in which a grade A or a grade B continuation school is established and maintained, and in which municipalities or portions of municipalities the county pupils or their parents or guardians reside, in the proportion that the perfect aggregate attendance during the preceding calendar year of the county pupils who reside or whose parents or guardians reside in each of such municipalities or portions of municipalities, bears to the perfect aggregate attendance during such year of all county pupils the cost of whose education is to be paid by the council of the county. R.S.O. 1937, c. 360, s. 38 (1); 1945 (2nd Sess.), c. 8, s. 12; 1950, c. 23, s. 13.

Not to be
levied in
high school
district.

- (2) Subject to subsection 3, no part of the cost of education of county pupils to be paid by the council of a county shall be borne by or levied in any municipality or portion of a municipality which is included in a high school district or a continuation school district in which a grade A or grade B continuation school is established and maintained. R.S.O. 1937, c. 360, s. 38 (2); 1939, c. 44, s. 13 (1).

Cost of
education
of county
pupils.

- (3) The council of a county may, during the first or second year or both of the inclusion of any municipality or portion of a municipality located in such county which is included in a high school district or a continuation school district in which a grade A or grade B continuation school is established and maintained, levy a portion of the cost of such education against the whole rateable property in any such municipality or portion of a municipality in the same manner as though such municipality or portion of a municipality were not included in any such high school district or continuation school district; provided the levy made during such year or years is for the purpose of paying that part of the cost of education of county pupils which is owing in respect of the preceding year. 1939, c. 44, s. 13 (2).

Portion of
cost to be
borne by
public school
ratepayers.

- 44.** Notwithstanding any of the provisions of section 41, 42 or 43, the ratepayers of a public school section which under agreement with the board of a high school or a grade A

or grade B continuation school is paying a share of the cost of education of pupils resident in such public school section who attend a high school or a grade A or grade B continuation school, shall pay only that part of the county levy for the cost of education of county pupils which is in excess of the levy on the said public school section which is required under the agreement. 1938, c. 35, s. 20.

45. The board of a high school district shall not be entitled to collect from a county the cost of education of any county pupil until the board has furnished to the clerk of the county, Information to be furnished to clerk.

(a) a statement showing the average assessment of rate-payers in the high school district in which the school is situate; and

(b) a statement signed by a parent or guardian showing whether or not such parent or guardian is assessed within the high school district in which the high school is situate and if so assessed the amount of such assessment. 1939, c. 44, s. 14.

46. Where an agricultural department is established by the Minister in a high school, the council of the county in which the high school is situate shall, on or before the 15th day of December in each year, pay to the board of the school in which such department is established, the sum of \$500, chargeable to the general county levy, which shall be applied by the board to the purposes of such department. County grant to agricultural department. R.S.O. 1937, c. 360, s. 40; 1939, c. 44, s. 15.

CONSULTATIVE COMMITTEE

47.—(1) The council of any county may establish a consultative committee, which shall consist of the public school inspector or one of the inspectors where there are more than one for the county, an officer appointed by the Department and three members to be appointed by the council. Consultative committee.

(2) The council may submit to the committee and direct it to report upon petitions for the setting up of new high school districts or the modification or alteration of the boundaries of existing districts, and may direct the committee to obtain information and make recommendations regarding any question affecting the facilities for education in the continuation schools and high schools in the county and the liability of the county for the support of such schools and the cost to the county of the education of pupils in such schools. Functions of committee.

Department
may employ
committee.

(3) The Department may direct the committee to obtain information upon any question affecting applications for the approval of continuation schools or high schools or of sites and buildings for such schools.

Statements
from local
school
boards.

(4) Continuation school boards, high school boards and boards of education having control of schools within the county shall, upon application, furnish to the committee detailed statements of the names, residences and attendance of all resident, non-resident and county pupils and of all receipts and expenditures together with any further information which the committee may require concerning matters which in any way affect the liability of the county or the cost of education of pupils.

Recommen-
dations not
to bind
Department
or council.

(5) The reports of the committee and the recommendations made by it shall be used for the purpose of obtaining information only, and the recommendations of the committee shall not be binding upon the Department, the county council or the boards in control of continuation schools or high schools. R.S.O. 1937, c. 360, s. 41.

DEBENTURES

Debentures
for per-
manent
improve-
ments.

48.—(1) Subject to the approval of the Ontario Municipal Board, the sums required by a board for permanent improvements may be raised on the application of the board by the issue of municipal debentures as provided herein, and all sums required to pay off the debentures and to pay interest thereon and the expenses connected therewith shall be raised by assessment on the ratepayers of the municipality or municipalities or parts thereof comprising the high school district.

Application
by board
to council.

(2) The application shall be made to the council or councils having jurisdiction in the high school district, and in it the board may state the proposed terms of years, not exceeding thirty, within which the sum required is to be repaid.

Council to
deal with
application.

(3) The council or, if more than one, each of the councils applied to, at its first meeting after receiving the application or as soon thereafter as possible, shall consider and approve or disapprove the application, and if a vote in any council results in a tie the application shall be deemed to be disapproved by that council.

Issue of
debentures.

(4) If the council, or a majority of the councils where there are more than one, approve of the application, the council of the municipality within which the high school is or is to be situate shall raise the sum required by the issue of debentures in the manner provided by *The Municipal Act*, or if it so

Rev. Stat.,
c. 243.

desires the council of any municipality may raise its proportion of the sum required by the issue of its own debentures.

(5) If the council, or half or a majority of the councils where there are more than one, disapprove of the application, the council or each of the councils on the request of the board shall submit the application to a vote of the electors of its municipality or of the part thereof included in the high school district in the manner provided by *The Municipal Act* in the case of a money by-law. Submission of application to ratepayers. Rev. Stat., c. 243.

(6) If a majority of the votes cast throughout the high school district is in favour of the application, the council of the municipality in which the high school is or is to be situate shall raise the required sum by the issue of debentures in the manner provided by *The Municipal Act* but without submitting the by-law to the electors. When vote favourable.

(7) The council or councils having jurisdiction in a high school district or a majority of them may pass by-laws for the purpose of raising or borrowing money required by the board for permanent improvements without submitting the by-laws to a vote of the electors. Assent of electors not required.

(8) A debenture may be for such term of years, not exceeding thirty, as the council or councils concerned or a majority of them deem proper, or the council or councils or a majority of them shall if the board has so requested and may, with or without such request, make the debenture debt payable by annual or other instalments in the manner provided by *The Municipal Act*. Terms of debentures.

(9) The council or councils of a municipality or municipalities liable for more than one-half of such debt shall be deemed to be a majority for the purposes of subsection 8. 1950, c. 23, s. 14, *part*. Interpretation.

APPORTIONMENT AND COLLECTION OF RATES

49. The council or councils of the municipality or municipalities included in a high school district shall levy and collect each year and transfer to the board from time to time as required, but not later than the 15th day of December, such amount as the board may deem necessary for, Rates for current purposes.

- (a) maintenance of the school or schools under the jurisdiction of the board;
- (b) payment of fees for which the board is liable in respect of resident pupils attending other schools; and

(c) capital expenditure out of current revenue not exceeding \$5,000 or for such greater sum as may be authorized by the Ontario Municipal Board, and such amount shall be apportioned and raised in the manner provided in section 50 with respect to liability for debenture debt. 1950, c. 23, s. 14, *part*.

Proportionate liability for debenture debt.

50.—(1) Where a high school district comprises more than one municipality or parts thereof and the municipalities or parts form part of a county for municipal purposes, each municipality shall be liable for such proportion of the principal and interest payable under the debentures and of the expenses connected therewith as the equalized assessment of the municipality or part bears to the equalized assessment of the whole district, and the council of each municipality shall levy on the property rateable for school purposes in the municipality or part and pay its proportion to the municipality that has issued the debentures.

Idem.

(2) Where a high school district comprises a city or separated town and one or more other municipalities or parts thereof that form part of a county for municipal purposes, each municipality shall be liable for such proportion of the principal and interest payable under the debentures and of the expenses connected therewith as the assessment of the city or separated town or the equalized assessment of the municipality or part, as the case may be, bears to the total of the assessment of the city or separated town and of the equalized assessments of the other municipalities or parts, and the council of each municipality shall levy on the property rateable for school purposes in the municipality or part and pay its proportion to the municipality that has issued the debentures.

Idem.

(3) Where a high school district comprises two or more adjoining municipalities or parts thereof in a territorial district, each municipality shall be liable for such proportion of the principal and interest payable under the debentures and of the expenses connected therewith as the assessment of the municipality or part bears to the total assessment of the whole district, and the council of each municipality shall levy on the property liable for school purposes in the municipality or part and pay its proportion to the municipality that has issued the debentures.

Assumption of larger proportion.

(4) Any municipality may offer to assume and may assume a greater proportion than its proportion under subsection 1, 2 or 3, and in that case the proportion of the balance to be paid by each of the other municipalities shall be such as may be agreed upon and if the councils of the other municipalities fail to agree upon the proportion within thirty days of the making

of the offer, the proportion of the balance to be paid by each of the other municipalities shall be determined in accordance with subsection 1, 2 or 3, as the case may be.

(5) Where the council of one of the municipalities is of opinion that the division of liability in accordance with subsections 1 to 4 imposes an undue burden on the ratepayers of the municipality or part, the council may apply to the board of the high school district for an arbitration. Request for arbitration.

(6) Upon receipt of the application, the board shall direct its secretary to call a meeting of the assessors of the municipalities within or partly within the district, and the county assessors, if any, of the county or counties within which the municipalities forming part of a county for municipal purposes are situate, and these assessors shall be arbitrators to determine the proportion of liability each municipality shall bear. Arbitrators.

(7) The arbitrators shall make their decision in writing and file a copy thereof with the secretary of the board who shall forthwith send a copy of the decision to the clerk of each municipality by registered post. Notification of decision.

(8) The costs of the arbitration shall be in the discretion of the arbitrators and the direction of the arbitrators with respect thereto shall be included in their decision. Costs.

(9) If, within thirty days of the mailing of the copies of the decision by the secretary, the council of one of the municipalities files with the secretary a written objection to the decision of the arbitrators, the board shall refer the matter to the Ontario Municipal Board whose decision shall be final. Reference to Municipal Board where decision objected to.

(10) The decision of the arbitrators, or, if the matter is referred to the Ontario Municipal Board, the decision of the Ontario Municipal Board shall be effective for a period of five years or until the boundaries of the high school district are changed or until the assessment of one of the municipalities is increased by more than ten per cent in any two consecutive years. Effect of decision.

(11) Where the matter is referred to the Ontario Municipal Board the costs of the arbitration and of the reference shall be in the discretion of that Board. Costs.

(12) Nothing in section 48 or in this section shall prevent the municipality in which the high school is situate from assuming the full cost of permanent improvements or any part thereof or from undertaking to pay any debentures that may be issued therefor notwithstanding that such municipality forms only a part of the high school district. 1950, c. 23, s. 14, *part.* Municipality may assume full cost of permanent improvements.

GRANTS, FEES, ATTENDANCE

Council may raise further sum for high school purposes.

51.—(1) The council of any municipality or county may raise by assessment, in addition to any sum which it is required to raise by this Act, such further sums as it may deem expedient for the maintenance or permanent improvement of a high school, provided that, in the case of a county, any additional sum so raised shall be by a general county levy and shall be apportioned, except as provided in subsection 2, among all the high schools of the county in proportion to the liability of the county to each board. R.S.O. 1937, c. 360, s. 44 (1); 1938, c. 35, s. 23 (1).

County council grants to particular schools.

(2) The council of a county may by a two-thirds vote of all the members thereof pass by-laws for granting additional aid to any one or more of the high schools in the county without making a similar provision for the other high schools therein. R.S.O. 1937, c. 360, s. 44 (2).

Payment of grants for permanent improvements.

52.—(1) All money which a municipal council is required by this Act to collect for permanent improvements shall be paid to the treasurer of the board on or before the 31st day of December of the year in which application was made by the board for such money.

For maintenance.

(2) All money which a council is required to collect by assessment, or to raise by the way of loan or otherwise, for the maintenance of a high school shall be paid from time to time to the treasurer of the board as the board may require. R.S.O. 1937, c. 360, s. 45.

Apportionment of high school grant in united counties.

53. The council of united counties may apportion the amount to be levied for high school purposes so that each county shall be liable only for the maintenance of the high schools within such county, but in such case, each of the counties shall pay for the maintenance of pupils residing therein who attend any high school situate in any other of the counties. R.S.O. 1937, c. 360, s. 46.

When schools to be free.

54.—(1) No fees shall be payable by or in respect of a pupil attending a high school who is,

- (a) a resident pupil of the high school district by the board of which the school is established or maintained;
- (b) a pupil whose cost of education is payable under sections 41, 42 and 43. 1938, c. 35, s. 24 (1), *part*; 1949, c. 38, s. 15 (1).

(2) Where a resident pupil of a high school district attends a high or continuation school under clause *b* of subsection 2 of section 55 or under subsection 3 of section 55, the board of the high school district of which he is a resident pupil shall pay fees to the board of the high or continuation school district whose school he attends, calculated in accordance with section 42, except that legislative grants shall not be deducted as provided in clause *c* of subsection 1 thereof. 1949, c. 38, s. 15 (2). Fees payable by boards in certain cases.

(3) Pupils other than county pupils and the pupils referred to in subsections 1 and 2 attending a high school shall pay such fees as the board may prescribe, but such fees shall not be greater than the average cost per pupil for education in the high school for the preceding calendar year. R.S.O. 1937, c. 360, s. 47 (2); 1938, c. 35, s. 24 (2); 1949, c. 38, s. 15 (3). When fees may be charged.

(4) The fees payable under this section shall be payable to the treasurer of the board. R.S.O. 1937, c. 360, s. 47 (3). Fees payable to treasurer.

(5) The council of a county or of any municipality within the county may enter into an agreement with the board of education or high school board of any city or separated town in the county, or with the board of a high school district in an adjacent county, for the payment of the whole or any part of any fees which may be payable in respect of pupils from such county or municipality within the county attending a high school under the control of such board of education or high school board. R.S.O. 1937, c. 360, s. 47 (5); 1938, c. 35, s. 24 (4). Agreements for payment of fees of non-resident pupils.

(6) Where the county council enters into an agreement under subsection 5, the amount of such fees shall be levied in the manner set forth in subsection 1 of section 43, provided that no part of such fees shall be borne by or levied in any municipality or portion of a municipality which is included in a high school district or a continuation school district in which a grade A or a grade B continuation school is established and maintained. R.S.O. 1937, c. 360, s. 47 (6). How fees to be levied.

55.—(1) A county pupil shall have the right to attend any high or continuation school in the county of which he is a county pupil. 1949, c. 38, s. 16, *part*. Right to attend schools, county pupils;

(2) A resident pupil of a high school district in a county shall have the right to attend, resident pupils in counties;

(a) a high school in the district of which he is a resident pupil; or

- (b) any high or continuation school,
 - (i) which is more accessible to the pupil than any high school in his own district, or
 - (ii) to take a course of study leading to a type of secondary school graduation diploma not available in his own district, or
 - (iii) to take a grade XIII subject or subjects not available in his own district and required by the pupil for admission to any university or teacher-training course or for the practice of any trade, profession or calling,

provided that the school is situated in his own county outside of a city or separated town, or is situated in an adjoining county or in a city or separated town in his own or an adjoining county and has been declared open to such pupils. 1949, c. 38, s. 16, *part*; 1950, c. 23, s. 16 (1).

resident
pupils in
territorial
districts;

(3) A resident pupil of a high school district in a territorial district shall have the right to attend any high or continuation school in Ontario,

- (a) which is more accessible to the pupil than any high school in his own school district; or
- (b) to take a course of study leading to a type of secondary school graduation diploma not available in his own school district; or
- (c) to take a grade XIII subject or subjects not available in his own school district and required by the pupil for admission to any university or teacher-training course or for the practice of any trade, profession or calling. 1950, c. 23, s. 16 (2).

non-resident
pupils.

(4) A non-resident pupil may attend any high school at the discretion of the board. 1949, c. 38, s. 16, *part*.

When
interval
between
attendance
at public
and high
schools.

56. Notwithstanding sections 54 and 55, no pupil who, having completed the fourth form course in a public or separate school, has attended any other school or schools for six years shall after the expiration of such six years be entitled to attend a high school except upon payment of such fees as may be prescribed by the board, but such fees shall not be greater than the average cost per pupil for education in such high school. R.S.O. 1937, c. 360, s. 49.

HIGH SCHOOL ADMISSION

57.—(1) Where a pupil has been promoted from grade VIII to grade IX in the manner prescribed by the regulations ^{Admission to grade IX.} he shall be admitted to grade IX.

(2) An applicant who has not been promoted from grade VIII to grade IX in the manner prescribed by the regulations ^{Idem.} shall be admitted to grade IX after the principal has satisfied himself that the applicant is competent to undertake the work of that grade.

(3) An applicant for admission to grade X, XI, XII or XIII shall be admitted after the principal has satisfied himself that ^{Admission to grades X-XIII.} the applicant is competent to undertake the work of the grade to which he has applied for admission.

(4) Where the principal is not satisfied that an applicant is competent to undertake the work of the grade to which the applicant has applied for admission under subsection 3, he ^{Reduction in grade.} may place him in a lower grade.

(5) An applicant shall be entitled to enter a high school which is conducted at night if, in the opinion of the principal of the high school, after due examination or other investigation, he is competent to take up the subjects as prescribed by the Minister, but such admission shall not entitle him to admission to the high school when conducted by day. 1950, c. 23, s. 17. ^{Admission to night high schools.}

HIGH SCHOOL TEACHERS

58.—(1) No person shall be appointed principal or assistant teacher in a high school who does not possess the qualifications prescribed by the regulations. ^{Qualification.}

(2) Every teacher of a high school shall in the organization, discipline, management and classification of the pupils be ^{Regulations to apply.} subject to the regulations.

(3) The provisions of *The Public Schools Act* respecting superannuation shall apply to teachers of high schools. R.S.O. ^{Superannuation. Rev. Stat.. c. 316.} 1937, c. 360, s. 55.

AGREEMENTS

59.—(1) A memorandum of every contract of employment between a board and a teacher shall be made in writing in the form of contract prescribed by the regulations, signed by the parties, sealed with the seal of the board and executed before the teacher enters upon his duties, but if for any reason such memorandum is not so made every contract shall be deemed ^{Memorandum of contract.}

to include the terms and conditions contained in the prescribed form of contract.

Salary of teacher.

(2) Unless otherwise expressly agreed, a teacher shall be entitled to be paid his salary in the proportion which the total number of days during which he teaches bears to the whole number of teaching days in the year. 1949, c. 38, s. 17.

Sickness or dental treatment.

(3) A teacher shall be entitled to his salary notwithstanding his absence from duty on account of sickness for a period not exceeding four weeks in any one year of his employment if the sickness is certified to by a physician, or in a case of acute inflammatory condition of the teeth or gums by a licentiate of dental surgery; but the period of four weeks may in any case of sickness be allowed and extended at the pleasure of the board without a certificate.

Absence of teacher in quarantine.

(4) Every teacher shall be entitled to his salary notwithstanding his absence from duty in any case where, because of exposure to a communicable disease, he is quarantined or otherwise prevented by the order of the medical health authorities from attending upon his duties. R.S.O. 1937, c. 360, s. 56 (2, 3).

Appearing as witness in court.

(5) Every teacher shall be entitled to his salary notwithstanding his absence from duty as a witness in any court to which he has been summoned in any proceedings to which he is not a party or one of the persons charged. 1943, c. 26, s. 9.

Suspension for neglect of duty.

(6) A high school inspector may, on the complaint of a board, suspend the certificate of a teacher who wilfully neglects or refuses to carry out his agreement with the board, but the teacher may appeal to the Minister who may make such order with regard to the suspension as he may deem proper.

Disputes between teachers and trustees.

(7) All matters of difference between boards and teachers in regard to salary or other remuneration, whatever may be the amount in dispute, shall be determined in the division court of the division in which the cause of action arose, subject to the same right of appeal as under *The Public Schools Act*.

Rev. Stat., c. 316.

Award of salary by way of penalty.

(8) If it appears to the judge on the trial of an action for the recovery of a teacher's salary that there was not reasonable ground for the board disputing its liability or that the failure of the board to pay was from an improper motive, he may award as a penalty a sum not exceeding three months' salary.

(9) For the purposes of subsection 8 the failure of a board to pay a teacher's salary may be extended by a judge to include failure to pay a teacher's salary when an agreement for his employment has been made by the board but no written agreement has been entered into and executed as required by subsection 1, if the judge is satisfied upon the evidence that the refusal of the board to pay the salary by reason of the absence of an agreement in writing is without merit. R.S.O. 1937, c. 360, s. 56 (4-7). Failure of board to pay salary when no written agreement.

RETIRING ALLOWANCES

60. Where a teacher, officer or other employee of the board whose time is entirely devoted to the work of the board retires, having reached the age of sixty years, or after having been for twenty years in the service of the board, the board may grant him an annual allowance not exceeding the salary which he was receiving at the time of his retirement, or may make a grant to him by way of gratuity of such sum as will represent not more than the present value of such allowance for his life computed on the basis of interest at the rate of four per cent per annum. R.S.O. 1937, c. 360, s. 58. Retiring allowance.

SCHOOL YEAR AND HOLIDAYS

61.—(1) The school year shall consist of two terms, the first of which shall begin on the first Tuesday of September following Labour Day and shall end on the 22nd day of December and the second of which shall begin on the 3rd day of January and end on the 29th day of June. R.S.O. 1937, c. 360, s. 59 (1); 1938, c. 35, s. 26 (1). Terms.

(2) When the 3rd day of January is a Friday the schools shall not be opened until the following Monday; when the 29th day of June or the 22nd day of December is a Monday the schools shall be closed on the preceding Friday. R.S.O. 1937, c. 360, s. 59 (2); 1938, c. 35, s. 26 (2). Where opening and closing days Friday or Monday.

(3) Every Saturday, every public holiday, the 24th day of May, the 11th day of November, the day appointed annually to be celebrated officially as the birthday of the reigning sovereign, the week following Easter Day, and every day proclaimed a holiday by the authorities of the municipality in which the teacher is engaged and every day upon which a school is closed under the provisions of *The Public Health Act* or the regulations of the Department, shall be a school holiday. 1944, c. 56, s. 6. Holidays. Rev. Stat., c. 306.

AUTHORIZED BOOKS

Text-books.

62.—(1) A teacher shall not use or permit to be used as a text-book in a high school any book which is not authorized by the regulations or prescribed by the Minister, and the Minister, upon the report of the inspector, may withhold the whole or any part of the legislative grant in respect of any high school in which any unauthorized or unprescribed book is so used.

Change of text-books.

(2) Subject to the written approval of the board, any authorized or prescribed text-book which is in actual use in a high school may be changed by the teacher for any other authorized or prescribed text-book on the same subject. 1945 (2nd Sess.), c. 8, s. 16.

OFFENCES AND PENALTIES

Conflict of interest.

63. A high school trustee shall not enter into any contract, agreement, engagement or promise of any kind, either in his own name or in the name of another, and either alone or jointly with another, in which he has any pecuniary interest, profit, or promised or expected benefit with the board of which he is a member, or have any pecuniary claim upon or receive compensation from the board for any work, engagement, employment or duty on behalf of the board, and every such contract, agreement, engagement or promise shall be null and void, and a trustee violating the provisions of this section shall *ipso facto* vacate his seat, and the secretary shall forthwith notify the clerk of the municipality or the appointing body of the vacancy. R.S.O. 1937, c. 360, s. 61.

Idem.

64. A trustee who is a shareholder, officer, director or other employee of a company shall not vote on any question affecting the company in respect to any dealings or contract between it and the board of which he is a member. R.S.O. 1937, c. 360, s. 62.

Newspaper proprietors.

65. No person shall be disqualified from being a member of a board or from sitting and voting on such board by reason only of his being proprietor of or otherwise interested in a newspaper or other periodical publication in which an advertisement is inserted by the board in the regular course of business, or which is subscribed for by the board, if such advertisement or subscription is paid for at the usual rate, but such member shall not be entitled to vote where his own account is in question. R.S.O. 1937, c. 360, s. 63.

Seat vacated by conviction for crime, etc.

66. If a trustee is convicted of an indictable offence, or becomes mentally ill, or, without being authorized by resolution entered upon the minutes, absents himself from the

meetings of the board for three consecutive months, or ceases to be a resident within the county, municipality or district for which he was appointed, he shall *ipso facto* vacate his seat, and the secretary shall forthwith notify the clerk of the council of the county or municipality or other appointing body of the vacancy; provided that where a trustee is convicted of an indictable offence such vacancy shall not be filled until the time for taking any appeal which may be taken from such conviction has elapsed, or until the final determination of any appeal so taken, and in the event of the quashing of the conviction such seat shall be deemed not to have been vacated. R.S.O. 1937, c. 360, s. 64; 1938, c. 35, s. 27.

67. Any person who wilfully interrupts or disquiets any high school by rude or indecent behaviour, or by making a noise either within the place where such school is kept or held or so near thereto as to interfere with the order or exercises of the school, shall be guilty of an offence and liable for each offence to a penalty of not more than \$20. R.S.O. 1937, c. 360, s. 65. Disturbing schools.

68. Where a teacher negligently or wilfully permits a book which is not authorized by the regulations or prescribed by the Minister to be used as a text-book by the pupils of his school, the Minister, on the report of the inspector, may suspend the teacher and the board may also deduct from his salary a sum equal to so much of the legislative grant as has been withheld on account of such use or any less sum at its discretion. 1945 (2nd Sess.), c. 8, s. 17. Substitution of unauthorized text-books.

69.—(1) A trustee who sits or votes at any meeting of the board while disqualified under this Act shall be guilty of an offence and liable to a penalty of \$20 for every meeting at which he so sits or votes. Disqualified persons acting as trustees.

(2) Every person appointed as trustee who has not refused to accept the office and who at any time refuses or neglects to perform its duties shall be guilty of an offence and liable to a penalty of not more than \$20. R.S.O. 1937, c. 360, s. 67. Penalty for refusal to perform duties.

70.—(1) A high school trustee shall not be eligible for appointment as a teacher by the board of which he is a member or by any public, separate or continuation school board having jurisdiction in the whole or any part of the area in which the board of which he is a member has jurisdiction. Disqualification of trustees as teachers.

(2) A high school teacher shall not be eligible to be a member of the high school board with which he has a teacher's contract, nor to be a member of any public, separate or continuation Disqualification of teachers as trustees.

school board having jurisdiction in the whole or any part of the area in which the board with which he has a teacher's contract has jurisdiction. 1950, c. 23, s. 20.

Liability for neglect to take security.

71. If a board refuses or neglects to take proper security from the treasurer or other person to whom they entrust school money and any school money is forfeited or lost to the board in consequence of the refusal or neglect every member of the board shall be personally liable for such money, and the same may be recovered by the board or any ratepayer or ratepayers interested therein suing on behalf of himself or themselves and all ratepayers of the high school district interested in any court of competent jurisdiction, but no member shall be liable if he proves that he made reasonable efforts to procure the taking of the security. R.S.O. 1937, c. 360, s. 69.

Trustee may not be secretary, treasurer, or bondsman.

72. A trustee shall not be appointed secretary, treasurer, or secretary-treasurer of the board or be bondsman or surety for the treasurer or secretary-treasurer or for any person entrusted with school money. R.S.O. 1937, c. 360, s. 70.

Duty to deliver up books or money.

73.—(1) A treasurer, secretary or secretary-treasurer, or a person having been a treasurer, secretary or secretary-treasurer, and a trustee or other person who has in his possession any book, paper, chattel or money which came into his possession as such treasurer, secretary, secretary-treasurer, trustee or otherwise shall not wrongfully withhold, or neglect or refuse to deliver up, or account for and pay over the same to the person and in the manner directed by the board or by other competent authority.

Summons for appearance.

(2) Upon application to the judge by the board, supported by affidavit, showing such wrongful withholding or refusal, the judge may summon the treasurer, secretary, secretary-treasurer, trustee or person to appear before him at a time and place appointed by him.

Service of summons.

(3) A bailiff of a division court, upon being required so to do by the judge, shall serve the summons or a true copy thereof on the person complained against personally or by leaving it with a grown-up person at his residence.

Order to account.

(4) At the time and place so appointed, the judge, if satisfied that service has been made, shall, in a summary manner, and whether the person complained against does or does not appear, hear the complaint, and if he is of opinion that it is well founded may order the person complained against to deliver up, account for and pay over such book, paper, chattel or money by a day to be named by the judge in the

order, together with such reasonable costs incurred in making the application as the judge may allow.

(5) In the event of non-compliance with the order, the judge may order such person to be forthwith arrested by the sheriff of any county or district in which he may be found, and to be committed to the common jail of the county or district in which he resides, there to remain without bail until the judge is satisfied that he has delivered up, accounted for or paid over the book, paper, chattel or money in the manner directed by the board or other competent authority.

Effect of non-compliance with judge's order.

(6) Upon proof of his having so done, the judge shall make an order for his discharge and he shall be discharged accordingly.

Discharge on complying with order.

(7) Upon proof that the person has done all in his power to deliver up, account for or pay over such book, paper, chattel or money as directed the judge may order his discharge on such terms or conditions as he may deem just.

Discharge on terms.

(8) Such proceedings shall not impair or affect any other remedy which the board or other competent authority may have against the person complained against or against any other person. R.S.O. 1937, c. 360, s. 71.

Other remedy not affected.

74. It shall be the duty of a board and of the treasurer, secretary or secretary-treasurer to furnish the auditors with any papers and information in their power which may be required of them relative to the school accounts, and any member of the board and a treasurer, secretary or secretary-treasurer who neglects or refuses so to do shall be guilty of an offence and liable to a penalty of not more than \$20. R.S.O. 1937, c. 360, s. 72.

Penalties on trustees refusing information, etc., to auditor.

75. If a trustee knowingly signs a false report, or if a teacher keeps a false school register or makes a false return, he shall be guilty of an offence and for every offence shall be liable to a penalty of not more than \$20. R.S.O. 1937, c. 360, s. 73.

Penalty for false school reports and registers.

76.—(1) No person other than a ratepayer, trustee or high school teacher may take proceedings to recover any penalty imposed by this Act.

Who may prosecute.

(2) Every penalty imposed by or under the authority of this Act shall be recoverable under *The Summary Convictions Act*, and unless otherwise provided shall be payable to the treasurer of the board of the high school district in which the

Payment and application of penalties.
Rev. Stat., c. 379.

offence was committed and shall be applied to high school purposes, except when the penalty is imposed upon a treasurer, secretary or secretary-treasurer, in which case the same shall be payable to the chairman of the board and shall be applied to high school purposes. R.S.O. 1937, c. 360, s. 74.

[NOTE.—*For liability of a trustee, teacher, inspector or officer of the Department of Education who is concerned or interested in the sale of books or supplies, and any one employing or paying him to act as agent or otherwise, see The Department of Education Act, Rev. Stat., c. 94.*]
